United Nations A/AC.109/2009/2

General Assembly

Distr.: General
12 February 2009

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

Contents

		Page
I.	General	2
II.	Constitutional and political developments	2
III.	External relations	5
IV.	Economic conditions	6
	A. Economic developments	7
	B. Public services	9
	C. Transport and communications	9
	D. Power supply	10
V.	Social conditions	11
	A. Education	11
	B. Health	11
	C. Status of women	12
VI.	Consideration of the question by the United Nations	12
	A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	12
	B. Special Political and Decolonization Committee (Fourth Committee)	13
	C. Action taken by the General Assembly	14
VII.	Future status of the Territory	14
	A. Position of the administering Power	14
	B. Position of the people of Tokelau	15

09-23704 (E) 090309

I. General

1. Tokelau,[1] a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the northern South Pacific (Fakaofo, Nukunonu and Atafu), with a total area of approximately 12.2 km^2. Fakaofo is southernmost; Nukunonu is nearly 50 km north-west; and Atafu is a further 100 km from Nukunonu. Each atoll comprises strips of land no more than 200 m wide and never more than 5 m above sea level. Samoa, 480 km to the south, is the nearest sizeable neighbour and the principal point of contact for Tokelau with the outside world.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Samoa. The last five-yearly census, taken on 19 October 2006, recorded a de jure resident population of 1,466. This figure includes all usual residents present in Tokelau on census night (excluding visitors), plus those who usually reside in Tokelau but were overseas temporarily in Government employment or for educational and medical reasons, a frequent occurrence in the Territory. The 2001 census had recorded a population of 1,537, which included all those present in Tokelau on census night as well as those counted in Apia, Samoa. By atoll, the 2006 population was: Atafu, 524; Fakaofo, 483; and Nukunonu, 426. An additional 33, consisting of Tokelauan public servants and their immediate families, were recorded in Apia, where the Tokelau Apia Liaison Office is located. The constraints of atoll life and the limited opportunities there, as well as the right of Tokelauans, as New Zealand citizens, to live in New Zealand (and therefore also Australia), have led many Tokelauans over the past 40 or more years to leave their atolls. In 2006, almost 7,000 people in New Zealand declared themselves to be Tokelauan. Sizeable Tokelauan communities also exist in Australia, American Samoa and Samoa. These communities include both those born on the atolls of Tokelau and a growing percentage of people born outside Tokelau.

3. The New Zealand official with principal responsibility for relations with Tokelau is the Administrator of Tokelau, who is based in Wellington and is appointed by the Minister for Foreign Affairs of New Zealand. In October 2006, David Payton was appointed as Administrator.

II. Constitutional and political developments

4. As reported in previous working papers on the question of Tokelau (see A/AC.109/2001/5, A/AC.109/2002/6, A/AC.109/2003/10, A/AC.109/2004/8 and A/AC.109/2005/3), the current process of constitutional development stems from the 1998 decision by the General Fono (the national representative body of Tokelau) to endorse a comprehensive report entitled "Modern House of Tokelau", which addressed the core issue that faced Tokelau in creating a constitutional framework: namely, how to construct a governance and administrative system that suited a self-governing community based on the atoll or village structure and that respected traditional decision-making customs.

[1] The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

5. After the 1998 Modern House report, there was a shift in the manner of representation in the General Fono. Before the 2002 elections there had been equal village representation in the General Fono. Since 2002, representation has been proportional to village population. The result of the 2002 elections was that Atafu had eight delegates to the General Fono, Nukunonu six, and Fakaofo seven. There has also been a change in the village election system, from representatives being appointed to the General Fono by the Village Council to a system of election of General Fono delegates on the basis of universal village suffrage. The issue of representation within the General Fono was reviewed again in October 2004, before the 2005 village elections, and decisions were made on a method of appointment of the Chairperson of the General Fono and on the role and responsibilities of the six-person Council of Ongoing Government, which is the executive Government during times when the General Fono is not in session. The Council consists of three Faipule (representative of each village) and three Pulenuku (mayor of each village). The position of Ulu-o-Tokelau, or Head of Government, rotates annually among the three Faipule. In 2008 it was held by the Faipule of Nukunonu, Pio Tuia. The Faipule for Fakaofo, Foua Toloa, will be Ulu-o-Tokelau for 2009.

6. Village elections for Faipule, Pulenuku and General Fono delegates are held in each village in January, every third year. The most recent elections were held from 17 to 19 January 2008. Representation in the General Fono currently stands at: Atafu, seven delegates; Nukunonu, six; and Fakaofo, seven.

7. Discussions on a new framework for the relationship between New Zealand and Tokelau, based on initial studies for a Tokelauan Constitution were held in Wellington in December 2002. Following further consultations, a Principles of Partnership statement was agreed upon between New Zealand and Tokelau and approved at the June 2003 General Fono. The Partnership agreement provided the medium- to long-term context in which work could be carried forward on constitutional and other developments for Tokelau. The document addressed the management of the Partnership, self-determination for Tokelau, Tokelauan language and culture, New Zealand citizenship, shared values, economic and administrative assistance, coordination of services to Tokelau, defence and security, foreign affairs and the Tokelauan community in New Zealand. At the same time, the New Zealand Government approved a support scheme for Tokelau known as the Administrative Assistance Scheme. The essence of the scheme was that all New Zealand Government agencies were formally instructed to consider providing assistance to Tokelau within their spheres of responsibility. Arrangements were made for the Office of the Administrator in Wellington to act as the liaison and coordination point for the scheme.

8. Since July 2004, the three Village Councils have taken full responsibility for all village public services. That decision emanated from the Modern House of Tokelau approach (see para. 4, above), whereby the traditional Council of Elders on each atoll should serve as the foundation for any future governance structure. Under that arrangement, the three Village Councils would delegate authority to the General Fono for activities that needed to be handled at the national level (for further details on the review process of the public services of Tokelau prior to 30 June 2004, see A/AC.109/2005/3). The remaining aspect of the Modern House project, known as Friends of Tokelau (i.e., keeping Tokelauan communities in New Zealand and other interested parties informed of developments) is being handled by the Office of the Council of Ongoing Government of Tokelau and the Office of the Administrator in

Wellington. The Office of the Administrator has been incorporated into a larger Special Relations Unit, which is responsible for New Zealand's relationship with Tokelau (as well as with Niue), and is staffed by officers of both the Ministry of Foreign Affairs and the New Zealand Agency for International Development. Two members of the Tokelau Public Service work in the Office of the Administrator.

9. During meetings held in 2003, the General Fono took a formal decision, with the support of all three Village Councils, to "endorse self-government in free association with New Zealand as the choice to be actively explored with the New Zealand Government". During a visit to Tokelau in August 2004, the New Zealand Prime Minister, Rt. Hon. Helen Clark, welcomed decisions by Tokelau on its future political status and assured Tokelau of the ongoing friendship and support of New Zealand as it moved towards the act of self-determination.

10. In August 2005, the General Fono approved a draft constitution as the basis for the proposed act of self-determination, as well as the text of a draft treaty of free association between Tokelau and New Zealand. In November 2005, the New Zealand Cabinet gave its formal approval. The so-called "referendum package", consisting of the draft treaty and the draft constitution, was to form the basis for the referendum on self-determination. The General Fono decided that an overall majority of two thirds of the valid votes cast would be required for a change to the status of Tokelau. The voting was held sequentially in Apia and on the three atolls from 11 to 15 February 2006 (for a full report on the February 2006 Tokelau referendum and the preparation leading up to the vote, see A/AC.109/2006/20).

11. The result of the referendum showed 60 per cent of registered Tokelauan voters voted in favour of self-government in free association with New Zealand. That percentage, however, was not sufficient to meet the required two-thirds majority. Robert Aisi, Permanent Representative of Papua New Guinea to the United Nations, represented the Special Committee throughout the referendum process. He was accompanied by a representative of the Decolonization Unit of the Department of Political Affairs. Also present from the United Nations to formally monitor the elections were representatives of the Electoral Assistance Division, from both Headquarters and from Fiji, who deemed the election process credible and reflective of the will of the people.

12. Following the referendum, the Council of Ongoing Government and the Government of New Zealand agreed to leave the referendum package on the table for future consideration. In August 2006, the General Fono voted to hold a second referendum on Tokelauan self-determination in late 2007. The proposed constitution and the draft treaty, commonly referred to as the self-determination package, were to be the same and the legal threshold for acceptance of the proposal would remain at a two-thirds majority.

13. The second referendum was held from 20 to 24 October 2007. The result, with 64.4 per cent in favour, was again below the two-thirds threshold for a change of status, and the outcome of the referendum was that the status of Tokelau as a Non-Self-Governing Territory remained unchanged. As was the case with the first referendum, the voting was conducted in the presence of a United Nations monitoring mission, which deemed that the election process was credible and reflected the will of the people. Ambassador Aisi again represented the Special Committee on Decolonization throughout the referendum process, accompanied by a representative of the Decolonization Unit of the Department of Political Affairs.

Representatives of the Electoral Assistance Division formally monitored the elections on behalf of the United Nations (for a full report on the October 2007 Tokelau referendum and the preparation leading up to the vote, see A/AC.109/2007/19).

14. Following the results of the referendum, the General Fono decided to send a letter to the Government of New Zealand requesting that the entire self-determination package (i.e., the draft treaty and draft constitution that had been agreed on and had served as the foundation for the previous ballots) remain on the table. It was also decided that there would be a report from the Council of Ongoing Government, taking into consideration the views of the Government of New Zealand. The advice from the Government of New Zealand via the Administrator of Tokelau was that, on the matter of decolonization, it was for Tokelau to decide how to proceed. Whatever decision the General Fono made, New Zealand would not stand in the way. However, it was suggested that it might be helpful if several years were allowed to elapse before holding another referendum.

15. Immediately following the second referendum, the Council of Ongoing Government also met with the Administrator and the constitutional adviser of Tokelau to discuss the results of the referendum and a possible way forward for Tokelau. The Council of Ongoing Government noted that Tokelau could in the future change the two-thirds majority threshold for the referendum, but should put in place measures to ensure that a threshold was supported by a clear majority in each village to guarantee unity. The Council of Ongoing Government also noted Tokelau's strong commitment to self-determination and its wish to have a constitution, albeit one that did not encompass the free association self-government provisions. The Council directed its legal advisers to make the required amendments to the Constitution and to distribute it to all the villages.

16. With financial support secured from New Zealand in the form of economic support arrangements, the Council considered that Tokelau should focus on implementing various priority projects related to infrastructure, the delivery of core services and shipping. It was also agreed that much work needed to be done to improve and develop the villages and to strengthen the General Fono, the Council of Ongoing Government of Tokelau and the Tokelau Public Service.

17. In May 2008, at the Special Committee regional seminar held in Bandung, Indonesia, statements were made on behalf of the Administrator of Tokelau and on behalf of Tokelau (see section VII below). Tokelau's constitutional and legal adviser, Tony Angelo, also participated in the seminar in an expert capacity. In his presentation to the Committee, he spoke about Tokelau's self-determination process leading up to the two referendums and their outcomes, as well as about how aspects of Tokelau's experience might inform others, despite the specificities of each individual territory.[2]

III. External relations

18. As set out in paragraphs 9 and 10 of the Principles of Partnership statement, Tokelau as a Non-Self-Governing Territory has insufficient international legal personality to enter into formal international legal obligations as a State in its own

[2] For the full text of Mr. Angelo's statement see: http://www.un.org/Depts/dpi/decolonization/regional_seminars_statements_08/Tony%20Angelo.pdf.

right. New Zealand is responsible for entering into any such obligations on behalf of Tokelau, after consulting with Tokelau as to its wishes. Tokelau participates in regional and international organizations in its own right to the extent that those organizations provide for such participation.

19. Tokelau is a member of the Forum Fisheries Agency, the South Pacific Community, the University of the South Pacific and the Pacific Regional Environment Programme. In October 2005, Tokelau was admitted as an Associate Member of the South Pacific Applied Geoscience Commission. Later that month, the Ulu of Tokelau attended the Pacific Islands Forum meeting, where Tokelau was welcomed as an observer. Tokelau is an Associate Member of the World Health Organization (WHO) and of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

20. Apart from its relationship with New Zealand, Samoa constitutes another important bilateral contact for Tokelau. The past year has seen ongoing contacts in many areas of importance to Tokelau. A practical example of growing cooperation is the work being developed to enable Tokelau to ship non-biodegradable waste to Samoa for disposal.

IV. Economic conditions

21. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the *inati* system and the importance attached to upholding the concept of the family and/or the extended family. The tradition of *inati* requires the deposit at a central location of food and produce, which is then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that addresses the needs of every member of the community, including the elderly, widows, single parents and children.

22. Major constraints on economic growth include natural disadvantages, such as the small size of Tokelau, its isolation, the geographical dispersion of the atolls, limited and poor natural resources and natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power.

23. Tokelau has a unique combination of traditional and modern income resource streams. With Government funding, many villagers are paid regularly for various village duties ranging from construction and boat-loading to assistance to the General Fono and other public entities. The devolution of public services to the atolls has also increased the number of wage employees as well as the need for specialized skill development or qualifications. The past few years have seen a rise in small enterprises and in interest in generating cash income. However, artisans prefer to keep handicrafts as a cultural practice rather than use them for commercial gain. Much investment has been made in expanding fisheries commercially over the past decade, but maintaining artisanal fisheries at a subsistence level remains the preferred approach. In addition, lack of reliable transport makes competition with Samoan fisheries, which are closer to markets, virtually impossible.

24. Migration of skilled persons is an ongoing challenge to the sustainability of any endeavour. However, unlike other islands in free association with New Zealand,

namely Niue and the Cook Islands, where numbers have declined steadily, Tokelau has been able to maintain a fairly steady population. Although the recent census did indicate a decrease in numbers, the view of Tokelau's leadership is that most people leave Tokelau only temporarily, mainly for reasons of education; health (hospitals are currently equipped for basic services only); and employment. The coming years will show whether this perception of population retention is justified. What is very clear to both Tokelau and New Zealand is that basic services in the health, education, transport and communications areas must be maintained at levels which allow the inhabitants of the atolls to retain confidence in the quality of life on Tokelau's atolls. To this end, major programmes to upgrade health and education facilities and services are under way, funded by additional resources from New Zealand. A major upgrade of Tokelau's shipping service is also in progress.

A. Economic developments

25. Assistance to Tokelau is provided by New Zealand under the terms of three-year economic support arrangements. The most recent of these was signed by the Minister for Foreign Affairs of New Zealand and the Ulu of Tokelau in December 2007. It covers the period from 1 July 2007 to 30 June 2010 and commits up to $NZ 43.18 million in assistance for Tokelau.[3] Support continues to be provided through contributions to the Tokelau International Trust Fund. The Fund, formally established in November 2004, is designed to provide intergenerational security and an independent source of income to Tokelau in the future. With contributions from Tokelau, New Zealand, Australia and the United Kingdom of Great Britain and Northern Ireland, the Fund now stands at approximately $NZ 52 million.

26. Tokelau's overall budget for the period 2008-2009 is set at $NZ 14.5 million. The full budget is now under Tokelau's control (previously it controlled the budgetary support element but not the project assistance funds), with New Zealand remaining the primary source of economic support. By 2009-2010, overall assistance to Tokelau is projected to increase to $NZ 15.3 million.

27. Throughout 2008, discussion continued within Tokelau and with New Zealand on appropriate and achievable goals and objectives in the area of economic development. In recognition of the fact that accomplishments in this key sector in recent years have been modest at best, both Tokelau and New Zealand have reaffirmed their commitment to identifying activities and projects that can be viably established and maintained.

28. The United Nations/Council of Regional Organizations in the Pacific Integrated Strategic Plan for Tokelau 2008-2010 was developed by the Government of Tokelau, United Nations agencies and five Council agencies in response to Tokelau's request for harmonized donor assistance.[4] The Integrated Strategic Plan, along with the Pacific Subregional United Nations Development Assistance Framework for 2008-2012, serving 14 Pacific island countries,[5] provides the overarching guidance for the

[3] As at 31 December 2008, the New Zealand dollar was equivalent to 0.58 United States dollars.

[4] The five CROP agencies are: the Secretariat of the Pacific Community, the Secretariat of the Pacific Regional Environment Programme, the South Pacific Applied Geoscience Commission, the University of the South Pacific and the South Pacific Board for Educational Assessment.

[5] Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

Country Programme Action Plan for 2008-2012 signed by Tokelau and the United Nations Development Programme (UNDP) in 2008.

29. The Tokelau/UNDP Country Programme Action Plan focuses on equitable economic growth and poverty reduction, good governance and human rights, crisis prevention and recovery and sustainable environmental management, with gender equality as a cross-cutting theme. In support of its national development planning, Tokelau participated in a Millennium Development Goals planning and budgeting workshop for Polynesian countries, organized by UNDP in May 2008 in the Cook Islands. A national strategic planner is being recruited by UNDP to support Tokelau with Millennium Development Goal achievement, costing, implementation, and mainstreaming of the Millennium Development Goals (particularly gender) into its national development plan. The first Millennium Development Goal report for Tokelau will be prepared for submission to the General Assembly in 2010.

30. UNDP support will continue for capacity development through a subregional South-South cooperation and capacity development programme, which will disseminate development lessons and best practices within the subregion, encourage community-to-community learning, develop results-based management capacity and promote communications and leadership, including leadership training for youth. Institutional mechanisms and capacities will also be strengthened for an effective disaster response capacity.

31. Practical options will be developed for population retention, income generation and sustainable livelihoods through a new subregional community-centred sustainable development programme. The programme aims to encourage the development of community visions and development plans for the period 2009-2015, in line with achievement of the Millennium Development Goals. Community-based initiatives will be supported and scaled up through gender-sensitive local-level planning, particularly for environmental management, disaster risk reduction, climate change adaptation and sustainable livelihoods, including eco-cultural tourism, food security, energy efficiency and renewable energy use. According to UNDP, community capacity development and volunteerism will guide the strategic focus of the programme. Although partnerships and resources will be mobilized for community-centred development, from the viewpoint of sustainability, the intention is for the community plans to be eventually funded through community resources and from national and local budgets. The scheduled activities of the programme began in January 2009, with a subregional training programme in community mobilization and planning methodologies, held in Savaii, Samoa. A mix of Government, civil society, United Nations and community representatives, including one from each Tokelauan atoll, participated

32. The programme is also an attempt to replicate and enhance the success of the Global Environment Facility Small Grants Programme. UNDP will therefore continue to support the participation of Tokelau in the Global Environment Facility Small Grants Programme through the New Zealand Agency for International Development Pacific Environment Fund. Climate change adaptation will be a key focus, given the extreme vulnerability of the atolls to climate variability, climate change and weather-related events.

33. All the initiatives will be implemented under the leadership of the Government of Tokelau and in close partnership with United Nations agencies through the United Nations Development Assistance Framework and with the Council of Regional Organizations in the Pacific agencies through the United Nations/Council of

Regional Organizations in the Pacific Integrated Strategic Plan for Tokelau (see para. 28, above).

34. In 2007, UNDP provided US$ 205,000 for the sea wall project under a national execution modality, wherein each atoll was allocated funds from the total amount for strengthening their sea walls. At the end of 2007, upgrading of the sea wall surrounding the main residential islet of Fale, Fakaofo, was completed. Assistance is now being sought for similar protection for the second residential islet (Fenuafala), where the school and hospital are located. Work continues in Atafu and Nukunonu, in the most vulnerable areas of the two villages. The slower progress on Atafu and Nukunonu is primarily due to slow delivery of gabion baskets from overseas and the fact that most of the workforce is working on village housing and sanitation programmes, on ongoing maintenance work and on the infrastructural projects to upgrade the school in Atafu and the hospital in Nukunonu.

B. Public services

35. No further developments were reported during the review period (see A/AC.109/2005/3, paras. 32-34).

C. Transport and communications

36. Tokelau has no airstrips and its main transportation option is that provided by a single vessel, the *MV Tokelau*, a ship with limited cargo and passenger capacity that provides service every two weeks between Tokelau and Apia, as well as inter-atoll services. The United Nations mission that visited the Territory in August 2002 concluded that the lack of transportation options was one of the greatest obstacles to economic and social development in the Territory and recommended that serious consideration be given to the establishment of a dedicated inter-atoll ferry and an airstrip on one of the atolls. Since 2003, New Zealand has funded additional visits by larger vessels under charter from the Samoa Shipping Corporation Ltd. Recognizing that the quality of the shipping service linking Tokelau's atolls and providing contact with Samoa lies at the heart of its ongoing viability, New Zealand, as the administering Power, has committed itself to a major review and upgrade of that service. In late 2008, it was announced that further progress had been made in providing Tokelau and its people with a quality, dedicated 25-year shipping service, which would become active in 2010 (see sect. VII.A, below). Work on required improvements to the wharfage facilities at each atoll is also progressing.

37. The ongoing development of Tokelau's infrastructure and maintenance of existing facilities is a major facet of Tokelau/New Zealand relations. Decisions on the prioritization of projects rests with the Government of Tokelau, both at the level of the public service and the village councils. It is worth noting that, in setting priorities for infrastructure development on an atoll-by-atoll basis, no request has been made to date by any of the atoll councils for the construction of an airstrip. Upgrading of schools and hospitals has been accorded the highest priority on each atoll for the current programme cycle.

38. For more than a decade, large investments have been made to facilitate contacts for Tokelauans inter-atoll as well as with the outside world. The Telecommunications Tokelau Corporation, a $NZ 4 million international telecommunication service, was

established in 1997. Tokelau also has a website (www.dot.tk), which became operational in January 2002 and which offers both free and paid domain names. The website is the result of a commercial licensing agreement between the Corporation and a private company, Taloha Inc. It is seen as having the potential to provide some revenue to the Territory without any capital outlay by the Corporation.[6] Pursuant to a request from the atolls, the Corporation is hoping to install new equipment in the atolls in 2009 to boost telecommunication services in the villages and to assist in creating Internet-based long-distance education opportunities.

39. In February 2002, FM radio stations were inaugurated on each of the atolls with funding from New Zealand. Although they currently operate independently, plans are being considered for linking them at least once a week for a national programme. This is being considered under a media development project funded by UNESCO. The radio stations are seen as an excellent means of maintaining the Territory's cultural heritage, as well as facilitating communication and transparency on community and decision-making matters, since they broadcast meetings of the Council of Elders on each atoll.

40. In 2004, UNDP funded a comprehensive review of telecommunications and stimulated a number of reforms in the Telecommunications Tokelau Corporation and in the integration of Internet facilities and services. A Tokelau law website, www.tokelaulaw.tk funded by the UNDP thematic trust fund for democratic governance and aimed at making the Constitution and all Tokelauan legislation accessible to the Tokelauan population, was developed in 2005 and launched in February 2006. The Government of Tokelau has employed a communications officer who will be responsible for updating the laws and constitutional documents displayed on the website.

D. Power supply

41. In 2001, work was begun on a diesel-powered electricity system in all three atolls, under the auspices of the New Zealand Agency for International Development. The work was completed in 2008 at a cost of some $NZ 3 million. The effort to reach Tokelau's goal of being completely provisioned by renewable energy sources is ongoing and is supported by a pilot photovoltaic energy grid project funded by UNDP and contributions from the Government of France. The project, covering 15 households on Fakaofo, will be expanded, upon securing available funding, to complete atoll coverage, thereby significantly reducing reliance on fossil fuels. Steady increases in the cost of imported fossil fuels and protection of Tokelau's fragile environment underscore the importance to Tokelau of a significant shift to renewable energy sources, as well as the vital need for increased awareness within the atoll communities of energy conservation and efficiency.

[6] Press release, "History in the making" (February 2002), and the information transmitted by the Administrator of Tokelau.

V. Social conditions

A. Education

42. Under Tokelau's compulsory education system, primary and secondary education are available to everyone. As a member of the University of the South Pacific, Tokelau also has access to the University's educational telecommunications system through a satellite established in Atafu. Despite significant and increasing levels of funding for education over many years, education standards on the atolls remain relatively low. This is a key reason why significant numbers of families leave the atolls to seek improved educational opportunities for their children in Samoa, New Zealand and elsewhere. Both Tokelau and New Zealand recognize that the situation needs to be robustly addressed, while also acknowledging that educational and career aspirations will always be a key factor in the departure of some segments of the atoll populations. According to the administering Power, a major infrastructure renewal programme is well under way in Tokelau, whereby, as a first stage, Atafu and Fakaofo are getting new schools (see sect. VII.A, below). Efforts have also been devoted to curriculum development, training of principals and senior staff and the extension of secondary schooling in 2008 to cover year 12, with a further extension to year 13 in 2009. Tokelau is also working closely with the Secretariat of the Pacific Community to explore better Internet access.

B. Health

43. The provision of adequate health services to the populations of three dispersed atolls connected to the wider world by sea transport will always be one of the most important challenges for Tokelau. The major non-local sources of contributions to health care are the Government of New Zealand, WHO, the United Nations Children's Fund, the United Nations Population Fund and UNDP, as well as the Government of Australia and the Secretariat of the Pacific Community. The national health plan's priorities are: (a) healthy islands and communities; (b) healthy lifestyles; (c) development of health partnerships; (d) development of accessible primary health-care services; (e) successful community participation; and (f) development and improvement of the health-service system.

44. Each of Tokelau's atolls has a basic hospital, staffed and equipped to deliver core medical care and related services. Ensuring that each is adequately staffed and supported by necessary equipment and supplies is a challenge. Considerable attention and funding is devoted to this core area of Tokelau's needs. As part of a major infrastructure renewal programme, Nukunonu is in the process of having its hospital substantially improved (see sect. VII.A, below).

45. The overall result in terms of delivery of quality health services for the people of the atolls has been mixed. Discussions are taking place between the leaders of Tokelau and the administering Power about the level and quality of health services required on each atoll and the most appropriate means of ensuring that these are provided. Ensuring that the people of Tokelau are well served in this crucial area will be a major element of both Tokelau's and New Zealand's efforts during the coming years.

46. WHO has focused its support on four priority health areas, acting with a total budget allocation of US$ 107,000 for the period 2006-2007, and US$ 120,000 for the period 2008-2009. The four priority areas are:

(a) Epidemic alert and response;

(b) Human resources for health (such as the training of doctors, dentists and nurses);

(c) Prevention and control of non-communicable diseases;

(d) Tobacco control.

47. The need for these health education programmes has grown as a result of changes in lifestyle and an increase in non-communicable diseases in Tokelau. Other support provided by WHO relates to outbreak disease preparedness, the procurement of needed medical supplies and equipment and the provision of expert health-related technical assistance, as required.

48. WHO notes that, although the general health status of Tokelauans is reasonably good, changes have been observed over the years. The mortality rate from non-communicable diseases has increased from 31 per cent in 1981 to almost 38 per cent in 2003. High blood pressure readings are seen in 36 per cent of women and 23 per cent of men 30 years of age and above. High blood sugar levels for the same age group are seen in 18 per cent of men and 28 per cent of women. Tobacco and alcohol consumption are relatively high among the adult population, especially in males. Obesity is widespread, with a prevalence of 70 per cent for men and 83 per cent for women 30 to 39 years of age and is attributed to diet and physical inactivity.[7]

C. Status of women

49. The Tokelau/UNDP Country Programme Action Plan for 2008-2012 has committed to incorporating gender equality as a cross-cutting theme in its areas of focus, including equitable economic growth and poverty reduction, good governance and human rights, crisis prevention and recovery and sustainable environmental management (see para. 29, above). UNDP continues to follow up and provide support to the Tokelau national gender strategy it helped to develop in 2007.

VI. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

50. In August 2002, a mission of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples visited Tokelau and New Zealand. It was the fifth such visiting mission since 1976.[8] In October 2004, the Chairperson of the Special

[7] Information provided by WHO Samoa office.

[8] For further details, see the report of the mission (A/AC.109/2002/31).

Committee attended the special constitutional workshop held at Atafu, pursuant to the invitation extended by the Ulu of Tokelau earlier in the year.

51. In February 2006 and October 2007, at the invitation of the Government of New Zealand and the people of Tokelau, the former Chairperson of the Special Committee, Robert Aisi, Permanent Representative of Papua New Guinea to the United Nations, together with a representative of the Decolonization Unit of the Department of Political Affairs, attended the Tokelau referendums, as described in paragraphs 11 to 13, above. The UNDP Assistant Resident Representative for Governance and Poverty Reduction also accompanied the United Nations Team to Tokelau. In May 2008, the Special Committee held a Pacific regional seminar in Bandung, Indonesia, at which Tokelau was discussed (see para. 17, above).

52. In June 2008, the Ulu-o-Tokelau, Pio Tuia, and the Administrator, David Payton, participated in the session of the Special Committee at Headquarters in New York (see para. 59, below).

53. The Special Committee considered the question of Tokelau at its 11th meeting, on 23 June 2008 (see A/AC.109/2008/SR.11). Statements were made at that meeting by the Administrator of Tokelau and the Ulu-o-Tokelau. The representative of Papua New Guinea, on behalf of Fiji and Papua New Guinea introduced a draft resolution entitled "Question of Tokelau".[9] The Committee adopted the draft resolution without a vote.

B. Special Political and Decolonization Committee (Fourth Committee)

54. At its 2nd meeting, on 6 October 2008, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard statements by the Rapporteur and the Chair of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which they referred to developments in 2008 regarding Tokelau (see A/C.4/63/SR.2). In their statements they commended the Government of New Zealand for its exemplary cooperation with the Special Committee. The Republic of the Congo also took the floor, pointing to the cooperation between Tokelau and New Zealand as an excellent example that could provide guidance to other administering Powers in the international dialogue established by the United Nations on the political and constitutional development of the Territories under their administration.

55. At its 6th meeting, on 10 October 2008, the Fourth Committee heard a statement by the Permanent Representative of Papua New Guinea who commended New Zealand's work with Tokelau, which served as a model for other administering Powers. He urged Member States, United Nations agencies and other international and regional agencies to contribute to the Tokelau International Trust Fund to support the future development needs in Tokelau. He also called on administering Powers to enhance their cooperation with the Committee and to seek to achieve progress in implementing the action plan of the Second International Decade for the Eradication of Colonialism. At its 7th meeting, on 13 October 2008, the Committee adopted draft resolution V entitled "Question of Tokelau",[9] without a vote.

[9] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 23* (A/63/23, chap. XII, draft resolution V).

C. Action taken by the General Assembly

56. At its 64th meeting, on 5 December 2008, the General Assembly, on the recommendation of the Fourth Committee, adopted resolution 63/107, on the question of Tokelau, without a vote. At the same meeting, it also adopted resolution 63/110, on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, paragraph 6 of which refers to Tokelau.

VII. Future status of the Territory

A. Position of the administering Power

57. As the administering Power for Tokelau, New Zealand has maintained a strong and consistent commitment both to the aspirations of the people of Tokelau and to the principle of self-determination. It has consistently supported Tokelau's aspirations to exercise its right to self-determination. In two referendums on the issue of self-determination, New Zealand has provided all appropriate support for Tokelau's efforts to determine the will of its people for a possible change of status. Successive Administrators and representatives of New Zealand to the United Nations have placed on record before the Special Committee and the Special Political and Decolonization Committee (Fourth Committee) full information about New Zealand's support for Tokelau on this issue. This attitude towards the needs and aspirations of the people of Tokelau has been favourably acknowledged by those Committees on many occasions.

58. The outcomes of the referendums in February 2006 and October 2007, neither of which reached the threshold of support set by Tokelau's General Fono for a change of status, have been acknowledged and accepted by New Zealand. As a follow-up to the 2007 referendum result, the Prime Minister of New Zealand met with Tokelau's leaders in February 2008, to discuss the next steps in the New Zealand-Tokelau relationship. During the visit to Wellington, it was agreed that a "pause" should be taken in Tokelau's self-determination efforts. It was also agreed that a significant period should be spent focusing on Tokelau's basic needs. Agreement was reached on a multi-million-dollar infrastructure programme.

59. The approval of the three-year economic support arrangements for Tokelau (see para. 25, above) from July 2007 to June 2010 has given Tokelau substantially increased levels of financial support and has also provided Tokelau's people with clear evidence of New Zealand's enduring commitment to their well-being and needs. According to the Administrator of Tokelau, David Payton, during the meeting of the Special Committee on 23 June 2008, on the basis of planning already agreed before the 2007 referendum, a major infrastructure renewal programme was well under way in Tokelau. As a first stage, Atafu and Fakaofo were getting new schools and Nukunonu was having its hospital substantially improved. Major progress was also being achieved in the improvement of Tokelau's shipping service. Increased efforts were also being directed at strengthening the ability of its public services to support more comprehensively the needs of each atoll's population. The Administrator once again noted that, regardless of the outcome of the 2007 referendum, New Zealand's support for Tokelau remained substantial and assured (see A/AC.109/2008/SR.11).

60. Speaking before the Special Political and Decolonization Committee (Fourth Committee) at its 6th meeting, on 10 October 2008, the representative of New Zealand expressed appreciation for the Committee's consideration of the question of Tokelau, noting that nearly a year had passed since the people of that Territory had voted in a United Nations-supervised self-determination referendum (see A/C.4/63/SR.6). For a second time, the very small territorial electorate had failed to deliver sufficient support to reach the threshold they themselves had set for a change of status to free association with New Zealand. In the aftermath of the votes, Tokelau's leaders had decided to focus their efforts more on enhancing the core services on their atolls, rather than moving quickly to a third referendum, and New Zealand had signalled its full understanding of that approach. New Zealand and Tokelau were working on a major infrastructure programme that would renew the school of Atafu and Fakaofo and upgrade Nukunonu's hospital, thereby putting real substance behind the commitment to Tokelau and its people.

61. The representative said that improved education and health-service facilities were important, yet nothing was more important to the people of the remote atolls in Tokelau than a safe and reliable shipping service. Tokelau, for years, had had to rely on an adequate, but far from ideal, shipping link to connect it with its nearest neighbour, Samoa. The days of uncertainty would end when a new purpose-built vessel would come into service in 2010.

62. The representative stated that while the right to self-determination was fundamental and deserved full support, it was insufficient on its own. It had to be accompanied by opportunities for the development of the full needs of the peoples who sought to exercise that right. The New Zealand representative said that her country was committed to providing those opportunities for the people of Tokelau.

B. Position of the people of Tokelau

63. At the 11th meeting of the Special Committee, on 23 June 2008, the Ulu-o-Tokelau, Faipule Pio Tuia, said that the General Fono had agreed that Tokelau needed a period of reflection and that, with the "exemplary cooperation" of New Zealand, it intended to build a Tokelau that all Tokelauans would like to live in and be proud of, focusing on priority areas such as village development, health, education, transport and capacity-building (see A/AC.109/2008/SR.11). The Government had identified infrastructural needs to develop an efficient and a reliable level of service that would benefit the Tokelauan people. He appealed to the international community to help the Territory address the issues of global warming, climate change and rising sea levels. He stressed that Tokelau would not rest on that issue of self-government following the two referendum attempts. He said that, as a Tokelauan, he found it hard to close his eyes at night knowing that a decision of his elders on the future of Tokelau was still pending. The Ulu spoke of the close cooperation between Tokelau and its administering Power, New Zealand, not least in the area of economic support. He stated that the Tokelau International Trust Fund at that point stood at approximately NZ$ 35 million, noting that the Government of New Zealand had given an additional NZ$ 5 million at the end of 2007 and a further NZ$ 15 million at the end of 2008 (see A/AC.109/2008/SR.11).